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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,959	12/12/2001	Elke Kraft	3827.088	3236

7590 07/20/2005

Stephan A Pendorf
Pendorf & Cutliff
5111 Memorial Highway
Tampa, FL 33634-7356

EXAMINER	
NGUYEN, CHI Q	
ART UNIT	**PAPER NUMBER**
3635	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/009,959	KRAFT ET AL.	
	Examiner	Art Unit	
	Chi Q Nguyen	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 5/16/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Bers (US 5,564,251) in view of Mobley (Us 5,227,409).

In regard claims 14-17, 19, 20, and 34 Van Bers teaches a wood floor comprising a concrete sub-floor 1 (col. 1, lines 34-35) continuously covered with a layer 2 of an elastic and/or resilient material provided with an adhesive layer (col. 1, lines 42-51), covering elements 5, 6, of wood material (col. 2, lines 36-37).

Van Bers does not teach specifically an adhesive material is a cured adhesive and is a reaction adhesive. Mobley teaches polyurethane adhesive material which if formed by mixing the components and applying the mixture to a substrate, which is cured to a polyurethane and normally applied to the wooden substrate (col. 7) and Mobley also teaches that the adhesive is a reaction product of reaction adhesive (col. 2, line 30 and col. 7, lines 44-50). At the time of the invention, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a specific adhesive material to apply for desirable application. In this instant case, it would

have been obvious to cooperate Van Bers flooring structures with Mobley for cured polyurethane adhesive material. The motivation for doing so would have been to improve the flooring structure more durable and more reliability (etc. wood floor) when unintentionally expose to water.

Van Bers and Mobley teach the claimed invention as stated. However, Van Bers and Mobley do not teach specifically wherein the adhesive layer has a layer thickness of 0.5-5mm, and wherein the adhesive has a shear strength is less than 1.2N/mm2, and is from 0.6-1.0N/mm2; and the adhesive in the hardened condition has a shore (A) hardness of 20-35, and has a break elongation of 300-1000%. It would has been obvious to one having ordinary skill in the art at the time of the invention was made to have the specific parameters for the adhesive material, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).* Having the specific parameters for the adhesive material would have been an obvious design choice based on desired use for better bonding between wood material and sub-floor. Furthermore, because the specific parameters for the material attain no structure, therefore it would have been considered as an obvious matter of engineering design choice for desirable application.

In regard claim 18 Van Bers and Mobley teach the structural elements for the wood floor as stated except for the specific chemical compositions for the adhesive material such as modified silicone polymers. The examiner takes Official Notice the fact that the modified silicone polymers would have been an obvious functional equivalent to

polyurethane adhesive material that taught by Mobley because it would performed the similar function such as providing a bonding reaction and having reaction to water.

In regard to method claims 21-33, Van Bers and Mobley teach the structural elements for the floor as stated. Van Bers and Mobley do not teach expressly method steps for adhering floor covering elements, examiner considers this to be the obvious method of setting up device because in adhering flooring covering elements, one must obviously select a sub-floor area to be covered, and select a desirable adhesive material then apply adhesive material on top of the sub-floor, lay wooden flooring materials along the adhesive material. Van Bers and Mobley would be motivated to follow these steps to facilitate assembly to make a wood floor system.

Response to Arguments

Applicant's arguments with respect to claims 14-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pairdirect.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

7/15/2005

CQN

Basil Katcheves 7/18/05

BASIL KATCHEVES
PRIMARY EXAMINER